

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID F. POLLOCK, et al.,	)	
Plaintiffs,	)	
	)	
vs.	)	Civil Action No. 10-1553
	)	
ENERGY CORPORATION OF	)	
AMERICA,	)	
Defendant.	)	

**ORDER**

AND NOW, this 30<sup>th</sup> day of September, 2013, after a de novo review of the submissions and documents in the case, together with the Report and Recommendation, and the objections and responses thereto,

IT IS HEREBY ORDERED that Plaintiffs' Motion for Class Certification (ECF No. 106) is GRANTED IN PART AND DENIED IN PART, as recommended by the magistrate judge;

IT IS FURTHER ORDERED that the following class is certified:

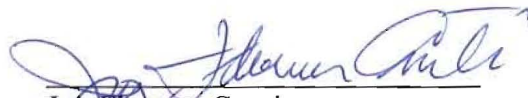
All lessors on an oil and gas lease with Energy Corporation of America or Eastern American Energy Corporation that conveys oil and gas rights to real property in Pennsylvania and:

- (1) the lessee deducted charges for interstate pipeline services between November 22, 2006 and March 26, 2012 (subclass one); and/or
- (2) the lessee deducted marketing fees from the royalties between November 22, 2006 and March 26, 2012 (subclass two).

IT IS FURTHER ORDERED that class certification is denied as to proposed subclass three;

IT IS FURTHER ORDERED that the Supplemental Report and Recommendation (ECF No. 138) dated September 16, 2013 is ADOPTED as the opinion of the court as supplemented by the accompanying Memorandum Opinion.

By the Court:

  
Joy Flowers Conti  
United States Chief District Judge